

Notice of Allowability

Application No.

09/753,228

Examiner

Tu X. Nguyen

Applicant(s)

ZWEIG, JONATHAN M.

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/21/07.
2. ☒ The allowed claim(s) is/are 6-8, 10-12, 17-19, 30, 32-34, 36 and 38.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date .
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date .

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 6/21/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William S. Schaal on July 18, 2007.

The application has been amended as follows:

In claim 6, line 5, delete the phrase "a logarithmic function if a response" has been replaced with --- a logarithmic function when a response ---

In claim 12, line 5, delete the phrase "radiated power if a response" has been replaced with --- radiated power when a response ---

In claim 30, line 9, delete the phrase "the determined power levels if" has been replaced with --- the determined power levels when---

Allowable Subject Matter

Claims 6-8, 10-12, 17-19, 30, 32-34, 36 and 38 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding independent claim 6, the prior art fails to teach "reducing a level of effective isotropic radiated power to a second level of effective isotropic radiated power in accordance

with a logarithmic function” and “increasing the level of effective isotropic radiated power to a third level of effective isotropic radiated power in accordance with a non-logarithmic function”, as cited in the claim.

Regarding independent claim 12, the prior art fails to teach “increasing a level of effective isotropic radiated power to a third level of effective isotropic radiated power when no response to the signal is received by the first wireless electronic device within the predetermined period of time, wherein, a rate of change from the first level of effective isotropic radiated power to the second level of effective isotropic radiated power is greater than a rate of change from the second level of effective isotropic radiated power to the third level of effective isotropic radiated power”, as cited in the claim.

Regarding independent claim 30, the prior art fails to teach “setting the power level of the signal to a first suggested power level of the suggested power levels corresponding to a first determined power level of the determined power levels when the power level matches the first determined power level; and maintaining the power level of the signal when the power level fails to match any power level of the first group of determined power levels”.


Regarding independent claim 34, the prior arts fail to teach “decreasing a power level for transmission of signals from the access point upon detecting that the power level of the beacon is greater than a predetermined power level threshold; and periodically transmitting beacons from the access point at a designated power level greater than the power level to enable other neighboring access points to assess channel conditions”, as cited in the claim.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



July 18, 2007



2/19/07
THANH LE
PRIMARY EXAMINER